

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the present application.

**Listing of Claims:**

1-19. (Canceled)

20. (Currently Amended) A non-aqueous secondary battery comprising

a negative electrode comprising

an intermetallic compound capable of occluding/desorbing lithium as an active material layer on a collector,

a positive electrode, and

a non-aqueous electrolyte,

wherein the intermetallic compound contains at least one kind of element A selected from Sn, In, Ge, Ga, Pb, Al, Sb, and Si, and an element X that does not substantially react with Li, and

a protective layer for preventing a reaction between the active material layer and the collector is provided therebetween, wherein a main constituent element of the protective layer is different from that of the intermetallic compound.

21. (Previously Presented) The non-aqueous secondary battery according to claim 20, wherein, in X-ray diffraction measurement with a CuK $\alpha$ -ray of the active material layer, highest

peak intensities of diffraction lines derived from the intermetallic compound and the element A are represented by  $I_a$  and  $I_b$ , respectively, and an intensity ratio  $I_b/I_a$  is 0.1 or less.

22. (Canceled)

23. (Currently Amended) The non-aqueous secondary battery according to ~~claim 22, claim 20,~~ wherein the main constituent element of the protective layer is at least one kind of element selected from Ti, Ni, Zr, W, and Ag.

24. (Original) The non-aqueous secondary battery according to claim 20, wherein a thickness of the protective layer is 0.05 to 0.5  $\mu\text{m}$ .

25. (Currently Amended) The non-aqueous secondary battery according to claim [[19 or]] 20, wherein the element X is at least one kind of element selected from Cu, Ni, Fe, Mn, Co, Cr, Mo, W, Ti, and Zr.

26. (Currently Amended) The non-aqueous secondary battery according to claim [[19 or]] 20, wherein the element X is at least one kind of element selected from Cu, Ni, and Fe.

27. **(Currently Amended)** The non-aqueous secondary battery according to claim [[19 or]] 20, wherein the intermetallic compound is a NiAs type intermetallic compound belonging to a space group  $P6_3/mmc$ .

28. **(Original)** The non-aqueous secondary battery according to claim 27, wherein the NiAs type intermetallic compound is  $Cu_6Sn_5$ .

29. **(Currently Amended)** The non-aqueous secondary battery according to claim [[19 or]] 21, wherein a highest peak intensity of a diffraction line derived from an intermetallic compound phase other than the intermetallic compound capable of occluding/desorbing lithium is represented by  $I_c$ , and an intensity ratio  $I_c/I_a$  is 0.05 or less.

30. **(Currently Amended)** The non-aqueous secondary battery according to claim [[19 or]] 20, wherein a thickness of the active material layer is 20  $\mu m$  or less.

31. **(Currently Amended)** The non-aqueous secondary battery according to claim [[19 or]] 20, wherein a thickness of the active material layer is 10  $\mu m$  or less.

32. **(Currently Amended)** The non-aqueous secondary battery according to claim [[19 or]] 20, wherein the collector is composed of at least one kind of element selected from Cu, Ni, Fe, and Ti, and an alloy thereof.

33. (Currently Amended) A non-aqueous secondary battery comprising:

a positive electrode,

a non-aqueous electrolyte,

a negative electrode comprising a single phase of an intermetallic compound that occludes/desorbs lithium as an active material layer on a collector, and

a protective layer for preventing a reaction between the active material layer and the collector is provided therebetween,

wherein a main constituent element of the protective layer is different from that of the intermetallic compound,

wherein the intermetallic compound contains at least one kind of element A selected from Sn, In, Ge, Ga, Pb, Al, Sb, and Si, and an element X that does not substantially react with Li, wherein X is at least one kind of element selected from Cu, Ni, Fe, Mn, Co, Cr, Mo, W, Ti, and Zr,

in X-ray diffraction measurement with a CuK $\alpha$ -ray of the active material layer, highest peak intensities of diffraction lines derived from the intermetallic compound and the element A are represented by  $I_a$  and  $I_b$ , respectively, and an intensity ratio  $I_b/I_a$  is 0.1 or less, and

wherein the main constituent element of the protective layer is at least one kind of element selected from Ti, Ni, Zr, W, and Ag.